IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 1351 OF 2003

State of Maharashtra .. Appellant

versus

Wilson Satyawan Reddy .. Respondent

...

Mr.B.H. Mehta, APP for the State.

None for the respondent.

CORAM : V.M. KANADE, J

DATED : 22nd September 2004.

ORAL JUDGEMENT :-

1. Heard the learned APP appearing on behalf of the applicant.

2. The State is challenging the judgement and order passed by the JMFC, Khadki, Pune in Regular Criminal Case no. 142 of 1997. The trial Court acquitted the accused. The accused was charged

u/s.381 of the IPC.

3. The prosecution case is that the police received information that certain property was lying in the house of the respondent accused was stolen property and accordingly, a raid was arranged and the property was seized. The trial Court acquitted the accused and held that it was not proved that the property which was seized was stolen property. The trial Court came to the conclusion on the basis of the evidence of PW no.19 and PW no.2 was working as a General Manager in Kirloskar Company. The trial Court has observed that it was only after PW no.1 received information that certain goods were seized and in those goods, certain articles were found on which there were labels of Kirloskar Company, he lodged a complaint. The trial Court observed that no complaint was filed earlier and disbelieved the prosecution witness particularly after he admitted that the entire stock in the godown was guarded by watchman and a copy of the computerised statement was available. The trial Court further observed that PW no.19 supported the case of the defence. The other witnesses turned hostile i.e. Pw no.2 to PW no.18. The respondent also adduced evidence by examining the defence witness

and produced xerox copies of the bill cum challan issued by Surjit Motors, Jamshedpur which were issued in the name of the accused. The receipts for the payments made for purchasing the said goods were also produced on record.

4. In my view, therefore, there is no reason to interfere with the finding given by the trial Court.

5. Leave is therefore, refused. Appeal is dismissed.

V.M. KANADE, J